STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of A.U. and E.U., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHN URIE,

Respondent-Appellant,

and

SARA L. URIE,

Respondent.

UNPUBLISHED
May 25, 2001

No. 227097
St. Clair Circuit Court
Family Division
LC No. 98-004692

In the Matter of E. U. and A.U., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SARA L. URIE,

Respondent-Appellant,

and

JOHN URIE,

Respondent.

No. 227290
St. Clair Circuit Court
Family Division
LC No. 98-004692

Before: Neff, P.J., and Fitzgerald and Markey, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the termination of their parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), (g), (h), (j) and (m); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (c)(ii), (g), (h), (j) and (m). We affirm.

I

This family came to the attention of the Court on September 1, 1998, as a result of a criminal incident involving the respondent-mother. Respondent-father was in jail at the time for domestic violence. Both parents consented to the assumption of temporary jurisdiction by the Court. The children were placed in foster care and two review hearings were held before a permanency planning hearing was held on September 27, 1999. In the meantime, the respondent-mother was incarcerated. It is undisputed that respondent-mother did not receive notice of the permanency planning hearing as required by statute and court rule, MCL 712a.19A(3); MSA 27.3178(598.19A)(3); MCR 5.920(C)93)(a); MCR 5.921(B)(2), and neither she nor counsel on her behalf appeared at that hearing. Both parents and counsel on their behalf appeared at the termination hearing (permanent wardship) held in February and March, 2000.

II

Only one statutory ground for termination is required in order to terminate parental rights. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998). Here, we conclude that the family court did not clearly err in finding that §§ 19b(3)(c)(i), (g), and (j) were each established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Accordingly, we need not decide whether termination was warranted under the remaining statutory grounds.[1] *In re Huisman*, *supra*. Contrary to respondent John Urie's argument, we find no indication in the referee's recommended findings that the referee misunderstood the effect of the "Binsfield legislation."

III

Next, the record does not clearly show that termination of respondents' parental rights was not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5), *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Contrary to respondent John Urie's argument, the referee's recommended findings do not indicate that the referee inappropriately weighed the advantages of foster care. See *In re Hamlet (After Remand)*, 225 Mich App 505, 520; 571 NW2d 750 (1997).

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[1] The permanent custody petition did not request termination of respondents' parental rights under §§ 19b(3)(a)(ii), (c)(ii), (h) or (m). We express no opinion whether termination was factually appropriate under any of these statutory grounds.

IV

Finally, we reject respondent Sara Urie's argument that she is entitled to reversal of the order terminating her parental rights because she did not receive proper notice of the permanency planning hearing. MCL 712A.19a(3)(c); MSA 27.3178(598.19a)(3)(c); MCR 5.920(C)(3)(a); MCR 5.920(B)(5)(a); MCR 5.921(B)(2)(c). Although this Court has recognized that "[a] failure to provide notice of a *termination proceeding* hearing by personal service as required by statute, MCL 712A.12; MSA 27.3178(598.12), is a jurisdictional defect that renders all proceedings in the trial court void[,]" *In re Atkins*, 237 Mich App 249, 250-251; 602 NW2d 594 (1999), citing *In re Adair*, 191 Mich App 710; 478 NW2d 667 (1991); *In re Brown*, 149 Mich App 529, 534-542, 386 NW2d 577 (1986), these cases do not concern a failure to provide notice of a permanency planning hearing. We are not persuaded that the reasoning of these cases extends to a failure to provide the statutory notice for a permanency planning hearing, such that all subsequent proceedings are rendered void.

Respondent Sara Urie also claims that her due process rights were violated by the failure to provide proper notice of the permanency planning hearing. We disagree, because her rights to notice and an opportunity to be heard were adequately protected at the subsequent termination hearing.

Affirmed.

/s/ Janet T. Neff
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey